

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS

3)
4 UNITED STATES OF AMERICA,)
5)
6 Plaintiff,) Criminal Action
7 v.) No. 13-10200-GAO
8)
9 DZHOKHAR A. TSARNAEV, also)
known as Jahar Tsarni,)
10 Defendant.)
11)

12 BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.
13 UNITED STATES DISTRICT JUDGE

14 **EXCERPT OF JURY TRIAL - DAY THIRTY**

15 **Testimony of Steven Kimball, Continued**

16 John J. Moakley United States Courthouse
17 Courtroom No. 9
18 One Courthouse Way
19 Boston, Massachusetts 02210
20 Tuesday, March 10, 2015

21 Cheryl Dahlstrom, RMR, CRR
22 Official Court Reporter
23 John J. Moakley U.S. Courthouse
24 One Courthouse Way, Room 3510
25 Boston, Massachusetts 02210
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Mechanical Steno - Computer-Aided Transcript

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I N D E X

<u>Testimony of:</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
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Steven Kimball (Cont'd)				
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by Mr. Chakravarty			32	
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by Ms. Conrad		4		
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1 (EXCERPT AS FOLLOWS:

2 MS. CONRAD: Thank you very much, your Honor. Good
3 morning.

4 CROSS-EXAMINATION BY MS. CONRAD:

5 Q. Good morning, Mr. Kimball.

6 A. Good morning.

7 Q. My name is Miriam Conrad. I'm one of the lawyers for Mr.
8 Tsarnaev.

9 You told us about Exhibit 1274, which, if I could have
09:37 10 the laptop presentation camera, please, would be on the screen.

11 MS. CONRAD: Mr. Lyness, could I have the laptop,
12 please? It's on. Thank you. I was looking in the wrong
13 place. I was looking at Mr. Watkins.

14 Q. Now, this shows created -- this is for the subscriber
15 information for J_tsar Twitter account, correct?

16 A. Yes.

17 Q. This shows it was created on October 20, 2011?

18 A. Yes.

19 Q. And it shows it was updated on July 3, 2013?

09:38 20 A. Yes.

21 Q. Correct?

22 A. Yes.

23 Q. And that was nearly three months after Mr. Tsarnaev was
24 arrested, correct?

25 A. Approximately, yes.

1 Q. So it was updated not by Mr. Tsarnaev but by somebody
2 else?

3 A. I can't say for sure.

4 Q. Well, sir, you know Mr. Tsarnaev has been in custody and
5 has not had access to the internet since his arrest on April
6 19, 2013, is that right?

7 A. Yes.

8 Q. So -- and on July 3, 2013, the FBI obtained a search
9 warrant for this account, correct?

09:38 10 A. I do not recall the exact date.

11 Q. Okay.

12 MS. CONRAD: If I could have the camera then just for
13 the witness. This is just for the witness.

14 Q. Looking at that document, does that refresh your
15 recollection?

16 A. Yes.

17 Q. And, in fact, that was the date the search warrant was
18 issued to Twitter, correct? If I could draw your attention to
19 the first sentence.

09:39 20 A. July 3rd?

21 Q. Yes.

22 A. Yes.

23 Q. Thank you. And so those -- that account, as well as the
24 other account, the Al_FirdausiA account, remained open to view
25 and to people commenting on it after Mr. Tsarnaev's arrest,

1 correct?

2 A. Yes.

3 Q. I just want to show you, on Exhibit 1264, that's the
4 Al_FirdausiA account. This is already in evidence. That was
5 last updated at 4/27/2013, right?

6 A. Yes.

7 Q. Thank you. So there's activity on those accounts that
8 occurred after Mr. Tsarnaev's arrest, right?

9 A. Yes. I'm unsure what form that would take, but, yes.

09:40 10 Q. Well, retweeting by people who were writing, for example,
11 the media, and so forth, people commenting, right?

12 A. Possibly. Again, I don't know what the update signifies
13 as far as that --

14 Q. I'm not asking about the update now. I'm just asking
15 generally whether you're aware there has been activities on
16 those accounts, such as comments and tweets, since Mr.
17 Tsarnaev's arrest on April 19th.

18 A. I'm not sure of that. On that exact account, it could
19 have been -- other individuals could have been tweeting in
09:41 20 regards to that account that was open.

21 Q. Okay. Thank you.

22 Now, you said there were about 1,100 tweets?

23 A. Approximately, yes.

24 Q. In fact, there were actually 1,080, right?

25 A. Yes.

1 MS. CONRAD: May I approach the witness, please?

2 THE COURT: You may.

3 Q. Showing you what's been marked -- sorry. Let me get up
4 here first.

5 A. Thank you.

6 Q. Showing you what's been marked for identification as
7 Exhibit -- Defendant's Exhibit 1, do you recognize that?

8 A. Yes.

9 Q. What is it?

09:41 10 A. The J_tsar Twitter account.

11 Q. The whole thing, right? You want to take a few minutes to
12 look through?

13 A. Yes.

14 MS. CONRAD: Your Honor, I'd offer this.

15 MR. CHAKRAVARTY: Objection, your Honor.

16 THE COURT: I'll have to see you.

17 MS. CONRAD: Now, out of these -- are we going up?
18 I'm sorry. I didn't hear you object.

19 (SIDEBAR CONFERENCE AS FOLLOWS:

09:42 20 THE COURT: What is it?

21 MS. CONRAD: It's the entire Twitter account.

22 MR. CHAKRAVARTY: It's a hearsay objection, your
23 Honor. These are defendant --

24 MS. CONRAD: It's not offered for the truth.

25 MR. CHAKRAVARTY: The statements are not

1 contextualized based on their relation to other statements in
2 there. So what effectively this is, is -- from a 401
3 perspective and a 403 perspective, is statements the defendant
4 made about things unrelated to this case going back for two
5 years. And anything that was relevant first we tried to
6 introduce; and, second, that would be hearsay because it would
7 be --

8 MS. CONRAD: Your Honor, do you need to hear me? It's
9 not offered for the truth. I don't mind if the Court instructs
09:43 10 the jury as such. But it's 106. The government selected 45
11 tweets taken out of context, in some cases extracting the other
12 side of a conversation. I think we're entitled to put in the
13 entire context because it informs what some of those tweets
14 are. Some of them were totally innocuous and others made --

15 MR. CHAKRAVARTY: So the government's concern is not
16 that -- if there was a tweet that puts another tweet in
17 context, that would come in under completeness. The issue here
18 is, going back two years, the Court would be essentially saying
19 that any writing by the defendant about any matter unrelated to
09:43 20 any fact in this case was relevant because it would lay some
21 context about state of mind. That just simply cannot be.

22 Here, these are absolutely innocuous, irrelevant, some
23 foolish, distracting, and confusing tweets going back to two
24 years when the account was first created.

25 MS. CONRAD: Your Honor, I could go through all 45

1 tweets that the government put in, and we would be here for
2 another hour and a half to two hours, or I could give a few
3 examples and the jury can have the whole thing.

4 The government goes back to April 16, 2012, and
5 suggests that, because the Marathon was run that day, that the
6 tweet on that day is relevant to the Marathon even though
7 there's no mention of the Marathon. I think it's entirely
8 appropriate to put into context not just the other tweets
9 surrounding the ones the government put in but what was on this
09:44 10 young man's mind during the relevant -- or what the government
11 has made the relevant period of time.

12 THE COURT: You can have it.

13 MS. CONRAD: Thank you.

14 THE COURT: You made reference to a defendant's
15 exhibit list.

16 MS. CONRAD: Yeah. One will be forthcoming.

17 THE COURT: I've never seen it. Are you using others?

18 MS. CONRAD: Right now, probably just things taken
19 from here, but we will get it straightened out. Thank you.

09:44 20 . . . END OF SIDEBAR CONFERENCE.)

21 Q. So, Mr. Kimball, you extracted what?, about 45 -- we're
22 talking about the J_tsar account now, okay?

23 A. Yes.

24 Q. And that account was established in October of 2011,
25 right?

1 A. I do not know that right now, but I'm assuming you're
2 correct.

3 Q. I'm sorry?

4 A. I'm assuming you're correct, yes.

5 Q. Do you want to look at the subscriber information again?

6 A. Yes.

7 Q. Okay. See that?

8 MS. CONRAD: Could I have the laptop?

9 A. Yes.

09:46 10 Q. Actually, I'm going to leave the exhibit up there so you
11 can refer to it. It will probably make things go a little
12 faster.

13 A. Thank you.

14 MS. CONRAD: Since it's now in evidence, if I could
15 just display Exhibit 1 for the jury, please.

16 Q. That's the first page, or the profile page, right?

17 A. Yes.

18 Q. And it shows the number of tweets, right?

19 A. Yes.

09:46 20 Q. And it shows that it was started in October of 2011,
21 correct?

22 A. Yes.

23 Q. And do you know what that emblem is at the top?

24 A. I do not.

25 Q. Okay. You didn't do any research to determine that that

1 was -- is actually the emblem of the Makhachkala foot -- soccer
2 team?

3 MR. CHAKRAVARTY: Objection, your Honor.

4 THE COURT: Sustained.

5 Q. Anyway, it's something in Russian, correct?

6 A. I don't know.

7 Q. Cyrillic letters?

8 A. I don't know.

9 Q. Didn't Mr. Chakravarty ask you about Cyrillic letters
09:47 10 yesterday?

11 A. Yes, as far as that -- yes.

12 Q. You don't recognize the Cyrillic letters?

13 A. No. I didn't make the translation.

14 Q. I'm not asking for the translation. I'm asking if you
15 recognize that those are Cyrillic letters.

16 A. Now, yes.

17 Q. Thank you.

18 How did you go about selecting the 45 or so tweets
19 that you presented to the jury yesterday?

09:47 20 A. That selection was made by the prosecution team to be
21 presented to the jury.

22 Q. So you were just given those that the government wanted to
23 show to the jury?

24 A. Yes.

25 Q. And you just read off those that the prosecution had

1 already selected ahead of time?

2 MR. CHAKRAVARTY: Objection, your Honor. Asked and
3 answered.

4 THE COURT: You may answer it.

5 A. Yes.

6 Q. And you had no part in selecting those?

7 A. Very little input.

8 Q. But you did read all of them, didn't you?

9 A. Yes.

09:48 10 Q. So let's just go to a few of them. I think you mentioned
11 that one of the tweets, Exhibit 1319, was from a rap song. Do
12 you remember that?

13 A. A what, ma'am? I'm sorry.

14 Q. From a rap song.

15 A. Yes.

16 Q. Did you determine that yourself?

17 A. No.

18 Q. How was that determined?

19 A. Through a conversation I had with another FBI employee.

09:48 20 Q. I'm sorry. With another?

21 A. Another FBI employee.

22 Q. So did you ask someone or did you personally participate
23 in identifying the source of or make any effort to identify the
24 source of some of these tweets?

25 A. Some, yes; some, no.

1 Q. Okay. So showing you what's already been introduced as
2 Exhibit 1319, this is the one that you said was from a rap
3 song?

4 A. That was my understanding, yes.

5 Q. And that was the posting on April 16, 2013?

6 A. Yes.

7 Q. And it's your understanding that comes from a song by the
8 rap star Eminem?

9 A. Yes.

09:49 10 Q. Are you also aware that the phrase, "the block is hot,"
11 which we saw in one of the other exhibits, is from another rap
12 song by the rap artist Lil Wayne?

13 A. No.

14 Q. So you didn't try to find out the source of that one?

15 A. I did not, no.

16 Q. You didn't ask anybody else to?

17 A. I personally, no.

18 Q. Do you know what "the block is hot" means?

19 A. No.

09:50 20 MR. CHAKRAVARTY: Objection, your Honor.

21 THE COURT: Sustained.

22 Q. "I'm in a New York State of mind," that was another tweet
23 that you showed the jury yesterday. Are you aware that that
24 comes from a rap song by the artist Nas?

25 A. No.

1 Q. And the exhibit you showed us yesterday that was in
2 Cyrillic letters, and you had it translated to "I shall die
3 young," it's on your screen now, Exhibit 1282.

4 A. Yes.

5 Q. Are you aware that that is from a Russian rap song?

6 A. No.

7 Q. And, in fact, are you aware that Mr. Tsarnaev, on April
8 11th, posted a -- hold on one second, sorry -- posted a link to
9 that song, to a YouTube video of that song?

09:51 10 A. No.

11 Q. And when you went to -- if you just bear with me one
12 second, I'm sorry.

13 But you did go through the entire Twitter feed, right?

14 A. The majority of it.

15 Q. Okay. So that one, I think, was posted sometime in April
16 of 2012, right?

17 A. I don't have the exact date.

18 Q. Okay. Let's go back to it for a second then because now
19 I'm not sure.

09:51 20 MS. CONRAD: Nope, that's not it. 1281? Thanks.

21 Q. So if there were links -- let me just ask this: If there
22 were links on the Twitter feed, in other words, Mr. Tsarnaev
23 posted links, did you follow those links to see what he was
24 linking to?

25 A. No. That was not part of my duties.

1 Q. Was it part of anyone's duties?

2 A. I can assess, yes.

3 Q. I'm sorry?

4 A. Other FBI employees.

5 Q. Okay. And they didn't share their results with you?

6 A. Not on this occasion, no.

7 Q. Okay. So it sounds like you just got what the government
8 presented to you and then just testified about it and didn't do
9 any of your own investigation.

09:53 10 MR. CHAKRAVARTY: Objection, your Honor.

11 THE COURT: You may answer it.

12 A. Again, I was given what the prosecution team gave to me as
13 far as the Twitter accounts that were relevant for the jury.

14 Q. I'm sorry. As far as --

15 A. What was being presented to the jury.

16 Q. So that was their determination of what would be --

17 A. The prosecution team, yes.

18 Q. And as far as the tweet about September 10th, "You know
19 what tomorrow is," you remember that one?

09:53 20 A. Yes.

21 Q. Are you aware that that comes from a Comedy Central
22 comedian's sketch posted in 2010?

23 A. No. But I was aware that, obviously, September 11th was
24 the following day.

25 Q. I'm sorry. That's not my question, sir. My question is

1 whether you are aware -- because there was a hashtag on that
2 one, right? Let's go to that.

3 MS. CONRAD: I'm sorry. Bear with me a second.

4 Q. First of all -- so this is from Exhibit 1, April 11, 2012,
5 "a little taste of Russian rap, fellas." Do you see that?

6 A. Yes.

7 Q. YouTube.com?

8 A. Yes.

9 Q. You did not follow that link, did you?

09:55 10 A. I did not know, no.

11 Q. You did not see that, if you followed that link, it
12 would --

13 MR. CHAKRAVARTY: Objection.

14 Q. -- take you to a screen page that would match up to the
15 Russian tweet that you showed us during your direct
16 examination?

17 THE COURT: The objection is sustained.

18 Q. Going back to Exhibit 1303 that we were talking about a
19 moment ago -- that's on the screen now. Well, it will be.

09:56 20 Right? That's the one you referred to September 10th, right?

21 A. Yes.

22 Q. And that was actually not tweeted on September 10th. It
23 was tweeted on March 14th, right, 2013?

24 A. Yes.

25 Q. And it's in quotes, right?

1 A. Yes.

2 Q. And there's a hashtag, "things you don't yell when
3 entering a room," right?

4 A. Yes.

5 Q. And you explained to us that a hashtag tells you that you
6 can then go to -- you can use that phrase to search through
7 Twitter for similar posts, right?

8 A. Yes.

9 Q. Or to link to other similar posts, right?

09:56 10 A. Yes.

11 Q. And so, if you search for "things you don't yell when
12 entering a room," you would find that that is a comedy skit
13 that includes that sentence?

14 MR. CHAKRAVARTY: Objection, your Honor.

15 THE COURT: Well, you may answer it if you know.

16 Q. Are you aware of that?

17 A. No.

18 Q. You didn't make any effort to find that out?

19 A. Again, that was not part of my duties.

09:57 20 Q. Do you know if it was part of anyone's duties?

21 A. It was part of other FBI personnel.

22 Q. Do you know if they produced any information as a result
23 of that?

24 A. Not to my knowledge.

25 Q. Do you know what steps they took?

1 A. I do not.

2 Q. Okay. Now, you introduced a few tweets and just -- you
3 pulled them out so they were just by themselves, right? So,
4 for example, here's Exhibit 1294. Remember that one?

5 A. Yes.

6 Q. "I kind of like religious debates." That's November 29,
7 2012, right?

8 A. Yes.

9 Q. But if you go to that page, or that portion -- and you can
09:57 10 flip to that in Exhibit 1 if you'd like, or I'll just put it up
11 on the screen -- you can see that he followed that up with
12 another tweet.

13 MS. CONRAD: I don't know why my computer is going so
14 slow today.

15 MR. CHAKRAVARTY: Your Honor, just a lot of narration
16 going on without questions being posed. I would ask that --

17 MS. CONRAD: I was just apologizing for how long it
18 was taking me to get to the page. I didn't think I was
19 providing any -- but I apologize. Okay.

09:58 20 Q. So this is the page from which that was taken, right?

21 A. Yes.

22 Q. And it's highlighted in yellow although not very
23 skillfully.

24 MS. CONRAD: Sorry I commented again, Mr. Chakravarty.

25 Q. "I kind of like religious debates," right?

1 A. Yes.

2 Q. And this is in reverse chronological order, right?

3 A. Yes.

4 Q. So then immediately after that Mr. Tsarnaev posted, "but I
5 also like when people stand by what they believe no matter what
6 any jerk like me says"?

7 A. Yes.

8 Q. Right?

9 A. Yes.

09:59 10 Q. But you left that out?

11 A. Again, the prosecution team decided what --

12 Q. I see. The prosecution team left that out?

13 A. Like I said, the prosecution team decided what was
14 presented.

15 Q. Okay. And in 1310 --

16 MS. CONRAD: I'm sorry. One second.

17 Q. 1308, rather, this is the one that you said you didn't
18 really know what it meant. "You will have to make tough
19 decisions today and those decisions will influence your future,
09:59 20 hardships will arouse" -- probably "arise," and you will roll
21 up loud," right?

22 A. I'm sorry. Can you say the question again?

23 Q. I'm just reading it. Do you want me to read it again? Do
24 you see it on your screen?

25 A. Yes, that's what it says.

1 Q. When you were talking about that one yesterday, you said,
2 Well, I don't really know what that means?

3 A. Yes.

4 Q. But if you looked at the context of that and you looked at
5 the other surrounding tweets, specifically this page of Exhibit
6 1, you would see that the tweet that followed immediately after
7 that is, "I just wrote y'all a horoscope for the day and most
8 of you will be like dam that [stuff] was so accurate." Do you
9 see that?

10:00 10 A. Yes.

11 Q. And that, in fact, is the very next tweet?

12 A. Yes.

13 Q. So it appears that the first tweet was really just a
14 overly generalized prediction much like horoscopes read?

15 MR. CHAKRAVARTY: Objection, your Honor.

16 THE COURT: Sustained.

17 Q. Now, you also talked about Exhibit 1309, which was April
18 8, 2013. That was the one that says, "If you have the
19 knowledge and the inspiration, all that's left is to take
10:01 20 action," right?

21 A. Yes.

22 Q. You see that on that page?

23 A. Yes.

24 Q. And right before that is one that says, "I really don't
25 like it when I have one ear pressed against the pillow and I

1 start to hear my heartbeat. Who can sleep with all that
2 noise."

3 A. Yes.

4 Q. And there are other very much unrelated postings around
5 that time, right?

6 A. Yes, I would agree with that.

7 Q. Now, on Exhibit 1310, which I think we put in -- you put
8 in yesterday, that came from this page of Exhibit 1, the one
9 that says, "Never get into a family plan with foreigners."

10:02 10 There it is, April 13th. I can highlight it for you if that
11 helps.

12 A. Thank you. Yes.

13 Q. And other places on that page, he talks about "dreams
14 really do come true. Last night I dreamt I was eating a
15 cheeseburger and in the afternoon today guess what I was
16 eating?"

17 A. Yes.

18 Q. Is it fair to say, without going through all 1,080 tweets,
19 that, in addition to the 45 that the government chose for you
10:03 20 to introduce, there are a lot of tweets about things like
21 girls?

22 A. Yes.

23 Q. Cars?

24 A. Yes.

25 Q. Food?

1 A. Yes.

2 Q. Sleep?

3 A. Yes.

4 Q. Homework?

5 A. Specifically, I don't recall any one on homework but most
6 likely, yes.

7 Q. Complaining about studying?

8 A. Yes.

9 Q. Now, you also told us about Exhibit 1314. That's April
10:04 10 15, 2013, actually, at 11:13 p.m., correct?

11 A. Yes.

12 Q. Once you adjust for Pacific Standard Time?

13 A. Yes.

14 Q. And the "God hates dead people" is in quotes. Do you know
15 what that quote is from?

16 A. I do not, no.

17 Q. Are you familiar with the Westboro Baptist Church?

18 A. Yes, I am.

19 Q. Are you familiar with the fact that the Westboro Baptist
10:04 20 Church apparently was planning protests at the funerals of
21 Boston Marathon bombing victims?

22 A. Yes.

23 Q. Do you know what MelloChamp is?

24 A. It's an account that's held by an associate of the
25 defendant.

1 Q. A friend, right?

2 A. I don't know if they're friends. I know that they're
3 associates.

4 Q. They certainly communicate with each other on Twitter,
5 right?

6 A. Yes.

7 Q. Or did, right?

8 A. Yes.

9 Q. And his name is Baudy Mazaev, is that right?

10:04 10 A. I don't know the name of the individual who holds that
11 account.

12 Q. Where it says "lol," do you know what that means?

13 A. "Laugh out loud."

14 Q. Do you know what "those people are cooked" means?

15 A. No, I don't.

16 Q. You're not familiar with the slang phrase "cooked"?

17 A. I'm assuming it means, like, can I -- screwed.

18 Q. I'm sorry?

19 A. Screwed or, like --

10:05 20 Q. Crazy?

21 A. I'm not exactly sure.

22 Q. Okay. Well, let's go to another place on his page where
23 he uses that word. Let's see if I can get this up in a way you
24 can see it.

25 All right. So this is posted on October 13, 2012.

1 "Key and peelee shows mad cooked lol." Do you know what that
2 means?

3 A. No, I do not.

4 Q. Are you familiar with the TV show *Key & Peele*?

5 A. No, I'm not.

6 Q. Comedy show?

7 A. No.

8 Q. Lol?

9 A. I know what that means.

10:06 10 Q. Okay. "Mad," do you know what "mad" means, "mad cooked"?

11 A. No.

12 Q. So you're not familiar with that as a phrase for very
13 crazy or very high or very stoned?

14 A. No, I'm not.

15 MR. CHAKRAVARTY: Objection, your Honor.

16 THE COURT: You may answer it. The answer was given.

17 Q. At any rate, he used the phrase "cooked" when referring to
18 a TV show on October 31, 2012, right?

19 A. Yes.

10:06 20 Q. You were also -- Mr. Chakravarty showed you Exhibits 1315
21 and 1318 yesterday, and those refer to a picture of a man
22 crying at the Boston finish line. And Mr. Tsarnaev posted
23 "fake story"; do you remember that?

24 A. Yes.

25 Q. And that was a fake story, wasn't it?

1 A. I do not know.

2 Q. You do not know?

3 A. I don't.

4 Q. How long have you been involved in this investigation,
5 sir?

6 A. Specific roles in the investigation? For two years.

7 Q. I'm sorry?

8 A. For specific roles in the investigation, for approximately
9 two years.

10:07 10 Q. You also showed us this tweet, which was Exhibit 1280,
11 from April 16, 2012. And, again, that's in quotes. "They will
12 spend their money and they will regret it and then they will be
13 defeated."

14 A. Yes.

15 Q. And that's in quotes, right?

16 A. Yes.

17 Q. Do you know where that quote comes from?

18 A. I believe it's from Anwar Awlaki.

19 Q. You're not aware that it's actually from the Qur'an?

10:08 20 A. Anwar Awlaki quoted that.

21 Q. And it doesn't link to Anwar Al Awlaki, correct?

22 A. No, it does not.

23 Q. Are you aware that it is a quote from the Qur'an?

24 A. No, I wasn't.

25 Q. And you didn't do any research on that either?

1 A. That specific quote?

2 Q. Yes.

3 A. No.

4 Q. And you pointed out that that was the date of the 2012
5 Boston Marathon, right?

6 A. Yes.

7 Q. And there's nothing in that quote or anywhere else in Mr.
8 Tsarnaev's tweets during that month that indicate that he was
9 aware that April 16, 2012, was the 2012 Marathon?

10:08 10 MR. CHAKRAVARTY: Objection.

11 THE COURT: Sustained.

12 Q. Well, you looked at all of these, right?

13 A. The vast majority of them, yes.

14 Q. Did you look at the ones for April 16, 2012?

15 A. Yes.

16 Q. Okay. So let's take a look at those.

17 Okay. So this is, again, from Defendant's Exhibit 1.
18 And these are the tweets from April 15th through April 18th,
19 right?

10:09 20 A. Yes.

21 Q. Again, reverse chronological order. So April 15, 2012,
22 "bout to sleep for like 20 hours," right?

23 A. Yes.

24 Q. And then the quote that we just read, right?

25 A. Yes.

1 Q. Then, "hmmm, get breakfast or go back to sleep, this is
2 always a tough one," right?

3 A. Yes.

4 Q. "Sleep after breakfast is so much sweeter."

5 A. Yes.

6 Q. It goes on in that vein. But there's nothing on that page
7 that refers to the Boston Marathon, is that right?

8 A. No.

9 Q. The only connection was the one that you drew based on the
10:10 10 date, right?

11 A. Yes. The date is the same.

12 Q. Now, you told us about the Ghuraba Twitter page, right --
13 or Twitter account, excuse me. I'm still getting used to these
14 terms. Let's just go to that for a second. Well, unless you
15 know off the top of your head.

16 Fair to say that all of those tweets were posted
17 between the dates of March 10th and March 13th of 2013?

18 A. Yes, I'll -- I don't see that, but, yes.

19 Q. I'll find it.

10:11 20 MS. CONRAD: If anybody remembers the exhibit number
21 offhand, that would be great, but I think I can figure it out
22 myself. Here we go. Nope. I've got 1266, I think. There we
23 go.

24 Q. There's 1266, right? That's the entire thing, that whole
25 page, right?

1 A. Sorry. Just came up.

2 Q. I'm sorry?

3 A. It just came up. Yes.

4 Q. And so, actually, if you look at the individual ones --
5 and we can go through those if you'd like. But the first five
6 were actually all posted within about an hour of each other,
7 right?

8 A. If you -- yes. I -- I can't see them all.

9 Q. I can go through them. So 1267 was posted at 1:49 --
10:12 10 11:49 Pacific Standard Time on March 10th, which would be 2:49
11 a.m., March 11th, right?

12 A. Yes.

13 Q. And 1268 was -- and these are reverse chronological
14 order -- was five minutes earlier, 11:44 p.m. Pacific?

15 A. Yes.

16 Q. And 1269 was about four minutes before that, 11:40 p.m.,
17 Pacific Standard?

18 A. I'm sorry. There's a little bit of a delay between you
19 making -- me seeing the slide.

10:13 20 Q. I'm sorry. I'm not the most adept at this. I apologize.
21 1270 is now 3:11 a.m. on March 11th?

22 A. Yes.

23 Q. So still within the same hour, right?

24 A. Yes.

25 Q. 1271, 3:09 a.m., March 11th?

1 A. Yes.

2 Q. I think those are the first five. And then there's one on
3 March 12th and another one on March 13th?

4 A. Yes.

5 Q. And, in total, I think there's seven or eight?

6 A. Yes, approximately.

7 Q. And all posted within about 48 hours?

8 A. Yes.

9 Q. And during that same time during that week of March 10th,
10:14 10 2013, do you know what kind of things -- kinds of things Mr.
11 Tsarnaev was posting on his J_tsar Twitter account?

12 A. No, I do not.

13 Q. Okay. So let's just take a look. Here's one on March 7,
14 2013. "I haven't seen a silly rabbit trix are for kids
15 commercial in a while, did he finally get some or what?"

16 A. Yes.

17 Q. And, specifically, if we go down to March 11th, which I
18 think was the date that he posted five on the Al_FirdausiA
19 account, "I want to study a broad or two."

10:15 20 A. Yes.

21 Q. Fair to say that that's in keeping with sort of the vein
22 of the rest of his tweets during that time on J_tsar?

23 MR. CHAKRAVARTY: Objection, your Honor.

24 THE COURT: You may answer it if you can.

25 A. I don't recall.

1 Q. Why don't we take a look then.

2 Okay. March 11th.

3 MS. CONRAD: I don't know why it's over like that, but
4 we'll see what we can do. There we go.

5 Q. So there's the "I want to study a broad or two" tweet,
6 right?

7 A. Yes.

8 Q. "Currently whale watching outside of McDonald's"?

9 A. Yes.

10:16 10 Q. I know that looks like it's retweeting somebody else,
11 right?

12 A. Yes.

13 Q. You want me to go back down?

14 A. No, that's all right.

15 Q. "Shocking [stuff], more so than that time I found out a
16 tomato was a fruit."

17 A. Yes.

18 Q. March 11th, also, "People that say I hate posts about
19 religion like stop trying to convert me and then go on to post
10:16 20 some [stuff] about jersey shore," you see that one?

21 A. Yes.

22 Q. March 11th, also. "MelloChamp, yo, let's hit the gym."
23 March 12th, right?

24 A. Yes.

25 Q. So March 13th, the last date that he posted on

1 Al_FirdausiA, "never try to fork a mini tomato while wearing a
2 white shirt," right?

3 A. Yes.

4 Q. Now, you told us that the picture that was on his
5 Al_FirdausiA account was a picture of Mecca?

6 A. Yes, to the best of my knowledge, yes.

7 Q. Where did you get that knowledge?

8 A. That was a discussion with colleagues.

9 Q. A discussion with colleagues?

10:17 10 A. Uh-huh.

11 Q. Did you ever bother to look at a picture of Mecca?

12 A. No.

13 Q. So I just want to show you something.

14 MS. CONRAD: This is just for the witness.

15 Q. And this looks like the same picture, right?

16 A. Approximately, yes.

17 Q. Would it surprise you that that's actually a picture of
18 Grozny in Chechnya?

19 MR. CHAKRAVARTY: Objection, your Honor.

10:18 20 THE COURT: Sustained to the form of the question.

21 Q. Well, did you ever bother to look up that picture?

22 A. I was given that information by other FBI colleagues.

23 Q. By whom?

24 A. By intel agents and other agents.

25 Q. Do you know if they actually looked at a picture of Mecca?

1 A. I didn't -- I do not know.

2 Q. Do you know if they actually looked at a picture of
3 Grozny?

4 A. I do not know.

5 MS. CONRAD: Your Honor, I would offer this picture.

6 MR. CHAKRAVARTY: Objection, your Honor, to impeach
7 anything he says.

8 THE COURT: The objection is sustained.

9 Q. May I show you then a different picture? Do you know what
10:18 10 that is?

11 A. I do not.

12 MS. CONRAD: Perhaps the government would be willing
13 to stipulate that that's a picture of Mecca?

14 MR. CHAKRAVARTY: Your Honor, I don't understand. Is
15 there a question -- the government is not stipulating to
16 something that's irrelevant, your Honor.

17 MS. CONRAD: I have no further questions then. Thank
18 you so much.

19 MR. CHAKRAVARTY: Briefly, your Honor.

10:19 20 REDIRECT EXAMINATION BY MR. CHAKRAVARTY:

21 Q. Agent Kimball, when we went through and selected the
22 tweets to present to the jury, what was the principle behind
23 which tweets we were going to present?

24 A. Essentially the ones that the prosecution team felt would
25 be --

1 MS. CONRAD: Objection, objection to what the
2 prosecution team felt.

3 THE COURT: Overruled. No. You opened it.

4 A. To be best served for the jury.

5 Q. And, in fact, for the Al_FirdausiA account, the second
6 account that the FBI discovered, did we, in fact, introduce all
7 of the tweets?

8 A. Yes.

9 Q. Do you know what Al Firdausia means?

10:19 10 A. It means essentially the highest point in paradise.

11 MS. CONRAD: Objection.

12 THE COURT: Sustained.

13 Q. Were all of the posts on the Al_FirdausiA account -- were
14 they of the same general type?

15 MS. CONRAD: Objection.

16 A. No.

17 THE COURT: Sustained -- for themselves.

18 Q. With regard to the J_tsar account -- this was the account
19 that had 11 -- sorry, 1,080 tweets -- were, in fact, there many
10:20 20 more different topic areas covered in the J_tsar account than
21 there were in the Al_FirdausiA account?

22 A. Yes.

23 Q. At the same time as the user of the J_tsar account was
24 tweeting on the J_tsar account, he was also -- for a period of
25 time in March, also using the Al_FirdausiA account, right?

1 A. Yes.

2 Q. Now, one of the posts Miss Conrad showed you for context
3 was 1280.

4 MR. CHAKRAVARTY: Can we call that up?

5 Q. She asked you about this one that was posted on Marathon
6 Monday of 2012, is that right?

7 A. Yes.

8 Q. She asked you a number of questions about whether you
9 could tell from the other tweets as to whether the poster, the
10:21 10 person named Jahar, whether he had also talked about the
11 Marathon?

12 MS. CONRAD: Objection. That was not the question,
13 your Honor. It was about that month.

14 THE COURT: Go ahead.

15 A. Yes.

16 Q. And, in fact, isn't it true that Jahar actually attended
17 the 2012 Boston Marathon?

18 A. I believe so, yes.

19 MS. CONRAD: Objection. Foundation for that.

10:21 20 THE COURT: Yeah. We need a foundation. Sustained.

21 Q. Are you aware of whether the defendant attended the Boston
22 Marathon?

23 MS. CONRAD: Objection. Foundation. May we be heard
24 at sidebar?

25 THE COURT: No. He can answer whether he's aware.

1 Then we'll find out how.

2 MS. CONRAD: Well, I think that's why we need to be
3 heard at sidebar, your Honor.

4 THE COURT: Go ahead.

5 A. I believe so, yes.

6 Q. How are you aware?

7 A. Interaction with other colleagues.

8 Q. And did, in fact, Jahar attend the Marathon?

9 MS. CONRAD: Objection. Hearsay.

10:22 10 THE COURT: Sustained.

11 MR. CHAKRAVARTY: Can we go to 1303, please?

12 Q. Miss Conrad asked you a number of questions about this
13 post, 1303, talking about September 11th. And is the date --

14 MS. CONRAD: Objection.

15 THE COURT: Go ahead.

16 Q. Was the date of this post March 14, 2013?

17 A. Yes.

18 Q. And so this is right after the entire Al_FirdausiA account
19 was created and all of the posts on that Al_FirdausiA account

10:22 20 were already posted?

21 MS. CONRAD: Objection to leading.

22 A. Yes.

23 THE COURT: Overruled.

24 Q. And the next post on either of the accounts was on March
25 14th, correct?

1 A. Yes.

2 Q. Miss Conrad also asked you questions about --

3 MR. CHAKRAVARTY: Can we call up 1274, please?

4 Q. -- about this date, July 3, 2013?

5 A. Yes.

6 Q. Now, is it customary, before an FBI conducts a search
7 warrant, that they ask an Internet Service Provider to preserve
8 the data that is going to be searched?

9 A. Yes.

10:23 10 Q. And did the search warrant get served on July 3, 2013?

11 A. To the best of my knowledge, yes.

12 Q. And was the last tweet on either account April 17 of 2013?

13 A. Yes.

14 MR. CHAKRAVARTY: That's all I have.

15 THE COURT: All right, sir. Thank you. You may step
16 down.

17 MS. CONRAD: I actually have one question, your Honor.

18 THE COURT: No. That's enough. Next.

19 . . . END OF EXCERPT.)

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C E R T I F I C A T E

I, Cheryl Dahlstrom, RMR, CRR, Official Reporter of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of my skill and ability, a true and accurate transcription of my stenotype notes taken in the matter of Criminal Action No. 13-10200-GAO, United States of America v. Dzhokhar A. Tsarnaev.

/s/ Cheryl Dahlstrom
CHERYL DAHLSTROM, RMR, CRR
Official Court Reporter

Date: March 16, 2015